

REMARKS

Status of the Claims

Claims 18-30 are pending, with Claims 18, 21, 24, and 28 being independent. Claims 18, 21, 24, and 28 have been amended. Support for the claim amendments are found at least in the description of the memory control device 6 shown in Figure 1 and the accompanying description in the specification.

Requested Action

Reconsideration and withdrawal of the outstanding rejections are respectfully solicited in view of the foregoing amendments and the following remarks.

Rejections

On page 2 of the Office Action, Claims 27-29, 36-38, and 40-48 have been rejected for obviousness-type double patenting over Claims 27- 29 and 36-48 of U.S. Patent No. 6,630,954 (Okada), issued on the parent of this application. In addition, Claims 18-30 are rejected under 35 U.S.C. § 102(b) over U.S. Patent No. 5,473,370 (Moronaga et al.).

At the outset, Applicant notes that this application does not contain Claims 36-38 or 40-48. Rather, this application contains only Claims 18-30. Applicant assumes that the Office Action means to indicate that Claims 18-30 have been rejected for obviousness-type double patenting over Claims 27- 29 and 36-48 of U.S. Patent No. 6,630,954 (Okada). Applicant

respectfully requests that the Examiner confirm this interpretation and correct the record in the next Office Action.

In response, while not conceding the propriety of the rejections, independent Claims 18, 21, 24, and 28 have been amended. Applicant submits that as amended, these claims are allowable for the following reasons.

Independent Claim 18 relates to an electronic apparatus for use with an image pickup device, comprising a control device that controls transfer of an image file from a memory to a different storing area and rewrites the data in accordance with the transfer of the image file.

Claim 18 has been amended to recite a memory control device which controls recording to record on a memory an image file corresponding to an image picked up by the image pickup device, and data which discriminates the image file that has previously undergone transfer thereof from the memory to a different storing area and the image file that has not yet undergone the transfer thereof.

By this arrangement, information discriminating the image file that has previously undergone transfer thereof from the memory to a different storing area and the image file that has not yet undergone the transfer thereof may be stored separately from the image file.

In contrast, the citation to Moronaga et al. is not understood to disclose or suggest a memory control device which controls recording to record on a memory an image file corresponding to an image picked up by the image pickup device, and data which discriminates the image file that has previously undergone transfer thereof from the memory to a different

storing area and the image file that has not yet undergone the transfer thereof, as recited by amended Claim 18.

For example, column 10 lines 34-65 and column 11 lines 1-35 of the citation to Moronaga et al. are understood to disclose that a digital camera, which is capable of recording a picked-up image on each of an internal memory and a detachable memory card, is arranged to display the following information 1 to 3 in areas 12A and 12B of a display unit: 1) the number of photographable frames, that is, the maximum number of images which can be recorded on each recording medium, 2) the number of photographed (shot) frames, indicating the number of images which have been already recorded on each recording medium, and 3) a frame number indicating the number of an image frame numbered in photographing order. However, each of the information 1 to 3 is not understood to be data which discriminates the image file that has previously undergone transfer thereof from the memory to a different storing area and the image file that has not yet undergone the transfer thereof, as recited by amended Claim 18. Therefore, this citation is not understood to disclose or suggest a memory control device which controls recording to record on a memory an image file corresponding to an image picked up by the image pickup device, and data which discriminates the image file that has previously undergone transfer thereof from the memory to a different storing area and the image file that has not yet undergone the transfer thereof, as also recited by amended Claim 18.

Since amended Claim 18 recites at least one feature not understood to be disclosed or suggested by the citation to Moronaga et al., Applicant submits that the Office has not yet established anticipation of amended Claim 1 over this citation. Therefore, Applicant

respectfully requests that this rejection of amended Claim 18 over this citation be withdrawn.

And because independent Claims 21, 24, and 28 have been amended in a similar manner, they are submitted to be allowable for similar reasons. Therefore, Applicant respectfully requests that the rejection of amended Claims 21, 24, and 28 over this citation also be withdrawn.

Turning to the rejection over Claims 27- 29 and 36-48 of U.S. Patent No. 6,630,954 (Okada), Applicant notes that these claims are not directed to storing separately from an image file, information discriminating the image file that has previously undergone transfer thereof from the memory to a different storing area and the image file that has not yet undergone the transfer thereof may be stored separately from the image file. For this reason, these claims recite that data indicating whether an image file has been previously transferred is attached to the image file. In contrast, independent Claims 18, 21, 24, and 28 recite no such limitation. In addition, Claims 27- 29 and 36-48 of the Okada patent do not disclose or suggest a memory control device which controls recording to record on a memory an image file corresponding to an image picked up by the image pickup device, and data which discriminates the image file that has previously undergone transfer thereof from the memory to a different storing area and the image file that has not yet undergone the transfer thereof, as recited by amended Claim 18. Since amended Claim 18 recites at least one feature not disclosed or suggested by Claims 27- 29 and 36-48 of the Okada patent, the Office is not understood to have yet satisfied its burden of proof to establish a *prima facie* case of obviousness-type double patenting against amended Claim 18. Therefore, Applicant respectfully requests that this rejection of amended Claim 18 over this citation be withdrawn. And because independent Claims 21, 24, and 28 have been amended in a similar

manner, they are submitted to be allowable for similar reasons. Therefore, Applicant respectfully requests that the rejection of amended Claims 21, 24, and 28 over this citation also be withdrawn.

The dependent claims are allowable for the reasons given for the independent claims and because they recite features that are patentable in their own right. Individual consideration of the dependent claims is respectfully solicited.

Conclusion

In view of the above amendments and remarks, the application is now in allowable form. Therefore, early passage to issue is respectfully solicited.

Applicant's attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

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